

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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AMERISOURCEBERGEN CORPORATION,

Plaintiff,

-v-

WARRIOR FREIGHT SYSTEMS LLC,

Defendant.

22-cv-5251 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:


Plaintiff AmerisourceBergen Corporation (“Plaintiff”) moves, pursuant to 28 U.S.C. § 1404(a) to transfer this case to the Eastern District of Pennsylvania. Defendant Warrior Freight Systems LLC has not yet appeared in this case and the motion is unopposed.

Section 1404(a) provides that “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.” 28 U.S.C. § 1404(a). “When the parties have agreed to a valid forum-selection clause, a district court should ordinarily transfer the case to the forum specified in that clause. Only under extraordinary circumstances unrelated to the convenience of the parties should a § 1404(a) motion be denied.” *Atl. Marine Const. Co. v. U.S. Dist. Ct. for W. Dist. of Texas*, 571 U.S. 49, 62 (2013). Here, the contract between the parties provides that “[a]ny proceeding of any type arising out of this Agreement will be heard solely in the courts of Chester County, Pennsylvania or the United States District Court for the Eastern District of Pennsylvania.” Dkt. No. 16-1 § 18(b).

Because the Court has identified no public-interest factors that would render this case “extraordinary” and thus merit this Court retaining jurisdiction, *see Atl. Marine Const. Co.*, 571 U.S. at 62, 64, Plaintiff’s motion to transfer is GRANTED. The Clerk of Court is respectfully directed to transfer this case to the Eastern District of Pennsylvania.

SO ORDERED.

Dated: March 20, 2023
New York, New York


LEWIS J. LIMAN
United States District Judge